

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

E*TRADE FINANCIAL CORPORATION and
E*TRADE SECURITIES LLC,

Plaintiffs,

-against-

MARCUS J. HERNANDEZ, SEAN J. GAFFEY,
and BANC OF AMERICA INVESTMENT
SERVICES, INC.,

Defendants.

Civil Action No. 08 CV 2993 (RJH)

NOTICE OF MOTION TO ADMIT
CHRISTOPHER C. COSS AND
THOMAS J. MOMJIAN PRO HAC VICE

FILED
U.S. DISTRICT COURT
S.D.N.Y.
APR 10 PM 4:35

PLEASE TAKE NOTICE, that Gibbons P.C., counsel for defendants Marcus J. Hernandez and Sean J. Gaffey ("Defendants"), shall move before this Court and before the Honorable Richard J. Holwell, U.S.D.J. on a date and at a time to be determined by the Court, at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York 10007, pursuant to Rule 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York for an Order permitting Christopher C. Coss, Esq. and Thomas J. Momjian, Esq. to appear and participate *pro hac vice* in this matter, to argue or try this case in whole or in part as counsel. There are no pending disciplinary proceedings against them in any state or federal court.

PLEASE TAKE FURTHER NOTICE that Defendants shall rely upon the accompanying Declaration of Paul A. Saso, the Declaration of Christopher C. Coss and accompanying Certificate of Good Standing, the Declaration of Thomas J. Momjian and accompanying Certificate of Good Standing, as well as all other pleadings and memoranda on file in this matter.

PLEASE TAKE FURTHER NOTICE that no trial date has been established in this matter.

Dated: New York, New York
April 10, 2008

GIBBONS P.C.

One Pennsylvania Plaza, 37th Floor
New York, New York 10119-3701
(212) 613-2000

psaso@gibbonslaw.com

Attorneys for Defendants

Marcus J. Hernandez and Sean J. Gaffey

A handwritten signature in black ink, appearing to read 'Paul A. Saso', is written over a horizontal line.

Paul A. Saso

Of Counsel:

Christopher C. Coss

Thomas J. Momjian

COSS & MOMJIAN, LLP

111 Presidential Blvd., Suite 233

Bala Cynwyd, Pennsylvania 19004

(610) 667-6800

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

E*TRADE FINANCIAL CORPORATION and
E*TRADE SECURITIES LLC,

Plaintiffs,

-against-

MARCUS J. HERNANDEZ, SEAN J. GAFFEY,
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SERVICES, INC.,

Defendants.

Civil Action No. 08 CV 2993 (RJH)

**DECLARATION OF PAUL A. SASO IN
SUPPORT OF MOTION FOR ADMISSION
PRO HAC VICE OF CHRISTOPHER C.
COSS AND THOMAS J. MOMJIAN**

PAUL A. SASO, ESQ., an attorney duly admitted to practice before the United States District Court for the Southern District of New York, declares as follows:

1. I am associated with the law firm Gibbons P.C., attorneys for defendants Marcus J. Hernandez and Sean J. Gaffey ("Defendants"), in the above-captioned action. As such, I am fully familiar with the facts and circumstances set forth below.

2. I am a member in good standing of the bar of this Court, as well as the following courts: the State of New York; U.S. District Court, Eastern District of New York; State of New Jersey. I have never been disciplined, suspended or disbarred by these or any other Court.

3. I submit this declaration in support of the motion for an order admitting Christopher C. Coss and Thomas J. Momjian to this Court *pro hac vice* as counsel for Defendants in this case for the purpose of participating in the above-entitled action pursuant to Local Rule 1.3(c) of the Local Rules of the United States District Court for the Southern District of New York. Messrs. Coss and Momjian are partners in the law firm of Coss & Momjian, LLP, 111 Presidential Blvd., Suite 233, Bala Cynwyd, Pennsylvania 19004, (610) 667-6800.

4. Upon information and belief, Mr. Coss is a member in good standing of the bar of the State of Pennsylvania and has inactive bar memberships in the State of Virginia and the District of Columbia.

5. Upon information and belief, Mr. Momjian is a member in good standing of the bar of the State of Pennsylvania.

6. Upon information and belief, Messrs. Coss and Momjian have never been convicted of a crime, censured, suspended, disciplined or disbarred by any court; nor do they have any disciplinary or contempt proceedings involving them pending before any court, nor have they been denied admission to the courts of any federal court during the last five years.

7. Messrs. Coss and Momjian agree to abide by the ethical standards governing the practice of law in this Court pursuant to the New York State Lawyer's Code of Professional Responsibility.

8. The purpose of this application is to make it possible for Messrs. Coss and Momjian to represent Defendants in this action as co-counsel to Gibbons P.C.

9. No previous motions have been filed with respect to the subject matter of this motion.

10. The \$25.00 fee, per attorney, for this application, will be paid to the Clerk of the Court at the time of filing.


WHEREFORE, Defendants respectfully request that an Order admitting Christopher C. Coss and Thomas J. Momjian. *pro hac vice* be entered.

Pursuant to 28 U.S.C. §1746, I declare under the penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
April 10, 2008

GIBBONS P.C.

One Pennsylvania Plaza, 37th Floor
New York, New York 10119-3701
(212) 613-2000


Paul A. Saso

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

E*TRADE FINANCIAL CORPORATION and
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Plaintiffs,

-against-

MARCUS J. HERNANDEZ, SEAN J. GAFFEY,
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SERVICES, INC.,

Defendants.

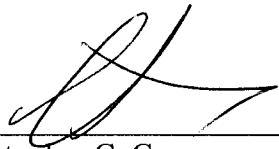
Civil Action No. 08 CV 2993 (RJH)

**DECLARATION OF CHRISTOPHER C.
COSS IN SUPPORT OF APPLICATION
FOR ADMISSION PRO HAC VICE**

I, **CHRISTOPHER C. COSS, ESQ.**, hereby declare as follows:

1. I submit this declaration to the Court in support of the application for my admission to this Court *pro hac vice* for purposes of the above-captioned action.
2. I have been admitted as an attorney at law in the Commonwealth of Pennsylvania since 1989 and have inactive bar memberships in the Commonwealth of Virginia as well as the District of Columbia.
3. I am a member in good standing of the bar of the Commonwealth of Pennsylvania as shown by the attached Certificate of Good Standing.
4. I have not been the subject of disciplinary action by any court or bar.
5. I agree to strictly observe the dates fixed for scheduling conferences, motions, briefs, pre-trial conferences, trial or other proceedings. I further agree to submit to the jurisdiction of this Court for the purposes of sanctions, discipline, or other such action as the Court may deem proper and to abide by the New York State Lawyers' Code of Professional Responsibility.
6. For the foregoing reasons, I respectfully request to be permitted to appear as counsel *pro hac vice* in this action.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are false, I am subject to punishment.



Christopher C. Coss

Dated: April 9, 2008



Supreme Court of Pennsylvania

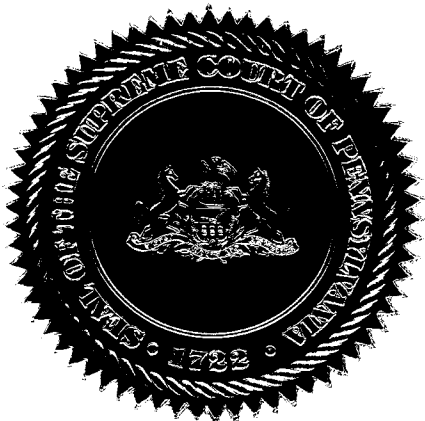
CERTIFICATE OF GOOD STANDING

Christopher C. Coss, Esq.

DATE OF ADMISSION

September 7, 1989

The above named attorney was duly admitted to the bar of the Commonwealth of Pennsylvania, and is now a qualified member in good standing.



Witness my hand and official seal

Dated: March 31, 2008

A handwritten signature in black ink, reading "Patricia A. Johnson".

Patricia A. Johnson
Chief Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

E*TRADE FINANCIAL CORPORATION and
E*TRADE SECURITIES LLC,

Plaintiffs,

-against-

MARCUS J. HERNANDEZ, SEAN J. GAFFEY,
and BANC OF AMERICA INVESTMENT
SERVICES, INC.,

Defendants.

Civil Action No. 08 CV 2993 (RJH)

**DECLARATION OF THOMAS J.
MOMJIAN IN SUPPORT OF
APPLICATION FOR ADMISSION PRO
HAC VICE**

I, **THOMAS MOMJIAN**, hereby declare as follows:

1. I submit this declaration to the Court in support of the application for my admission to this Court *pro hac vice* for purposes of the above-captioned action.
2. I have been admitted as an attorney at law in the Commonwealth of Pennsylvania since 1992.
3. I am a member in good standing of the bar of the Commonwealth of Pennsylvania, as shown by the attached Certificate of Good Standing.
4. I have not been the subject of disciplinary action by any court or bar.
5. I agree to strictly observe the dates fixed for scheduling conferences, motions, briefs, pre-trial conferences, trial or other proceedings. I further agree to submit to the jurisdiction of this Court for the purposes of sanctions, discipline, or other such action as the Court may deem proper and to abide by the New York State Lawyers' Code of Professional Responsibility.
6. For the foregoing reasons, I respectfully request to be permitted to appear as counsel *pro hac vice* in this action.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are false, I am subject to punishment.



Thomas J. Momjian

Dated: April 9, 2008



Supreme Court of Pennsylvania

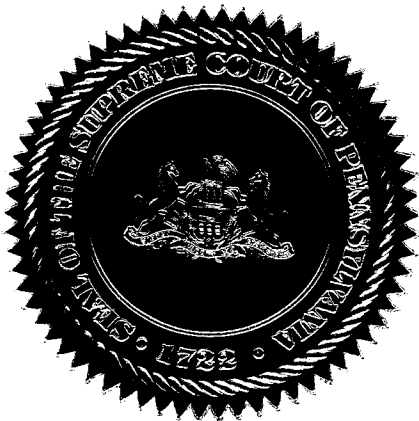
CERTIFICATE OF GOOD STANDING

Thomas J. Momjian, Esq.

DATE OF ADMISSION

November 30, 1992

The above named attorney was duly admitted to the bar of the Commonwealth of Pennsylvania, and is now a qualified member in good standing.



Witness my hand and official seal

Dated: March 31, 2008

A handwritten signature in cursive script, reading "Patricia A. Johnson".

Patricia A. Johnson
Chief Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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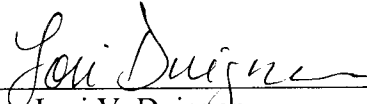
AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

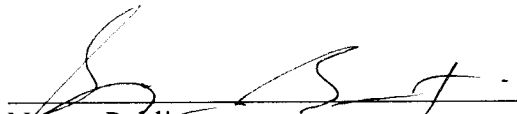
LORI V. DUIGNAN, being duly sworn, deposes and says:

1. I am not a party to this action and am 18 years of age or older.
2. I am employed as a paralegal by Gibbons P.C., attorneys for defendants Marcus J. Hernandez and Sean J. Gaffey ("Defendants") in the above-captioned matter.
3. On April 10, 2008, I caused to be served a true and accurate copy of 1) Defendants' Notice of Motion to Admit Christopher C. Coss and Thomas J. Momjian *Pro Hac Vice*, 2) Declaration of Paul A. Saso in Support of Motion for Admission *Pro Hac Vice* of Christopher C. Coss and Thomas J. Momjian, 3) Declaration of Christopher C. Coss in Support of Application for Admission *Pro Hac Vice*, 4) Declaration of Thomas J. Momjian in Support of Application for Admission *Pro Hac Vice*, and 5) Proposed Order, via email, upon counsel for plaintiffs as follows:

Douglas Paul Lobel, Esq.
Cooley Godward Kronish LLP
One Freedom Square - Reston Town Center
11951 Freedom Drive
Reston, Virginia 20190-5656
dlobel@cooley.com
Counsel for Plaintiffs
*E*Trade Financial Corporation and E*Trade Securities LLC*


Lori V. Duignan

Sworn to and subscribed to before me
on this 10th day of April, 2008.


Notary Public

SONIA BONAVENTURE
Notary Public, State of New York
No. 01BO6145436
Qualified in Suffolk County
Commission Expires May 8, 2010

**UNITED STATES DISTRICT COURT
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MARCUS J. HERNANDEZ, SEAN J. GAFFEY,
and BANC OF AMERICA INVESTMENT
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Defendants.

Civil Action No. 08 CV 2993 (RJH)

**ORDER GRANTING THE ADMISSION OF
CHRISTOPHER C. COSS AND
THOMAS J. MOMJIAN PRO HAC VICE**

This matter coming before the Court on the application of defendants, Marcus J. Hernandez and Sean J. Gaffey (“Defendants”), seeking permission for Christopher C. Coss and Thomas J. Momjian, of the firm Coss & Momjian, LLP, Bala Cynwyd, Pennsylvania, to appear *pro hac vice* in the within cause, and the Court having considered the declarations of Paul A. Saso, Christopher C. Coss and Thomas J. Momjian in support thereof, and for good cause shown, it is

ORDERED:

1. That Christopher C. Coss and Thomas J. Momjian of Coss & Momjian, LLP be and hereby are granted admission *pro hac vice* for the purpose of appearing in the within matter pursuant to Local Rule 1.3(c).
2. That Christopher C. Coss and Thomas J. Momjian are hereby required to abide by the New York Lawyers Code of Professional Responsibility.

3. That Christopher C. Coss and Thomas J. Momjian notify the Court immediately of any matter affecting their standing at the bar of any other court.

Richard J. Holwell, U.S.D.J.